

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 70267

Robert DiCicco
Emily DiCicco
405 Central Avenue
Baltimore, MD 21204

60 Burkleigh Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 16, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-404 (A)(1)(vii), failure to scrape and paint all peeling and flaking paint on all wood and metal surfaces on residential property zoned DR 10.5 known as 60 Burkleigh Road, 21286

On December 3, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeff Radcliffe issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$9,800.00 (nine thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 29, 2009 for removal of trash and debris, repair of exterior construction, scrape and paint all peeling and flaking paint on wood and metal surfaces. The Notice required completion of painting by November 29, 2009. This Citation was issued on December 3, 2009.

B. Photographs in the file show significant areas of missing and peeling paint on the porch, fascia boards, windows, and siding of this brick and siding row townhouse.

C. Respondent Robert A. DiCicco sent a letter to Inspector Radcliffe dated December 12, 2009 enclosing a written estimate from a painting contractor with notation indicating that Respondent has paid a deposit for the required painting work. The contractor's estimate, which is dated November 12, 2009, states that work not done prior to December 5, 2009 may be delayed due to moisture and temperature limitations. Respondent's letter states that the contractor will complete the painting by May 1, 2010, and requests that time extension.

D. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

E. Compliance is the goal of code enforcement. Respondents have engaged a contractor to correct the violation, and have requested a time extension for correction due to weather limitations. The civil penalty will be significantly reduced if the violation is corrected within the time provided below, but it will not be completely rescinded because Respondents did not respond promptly to the County's Correction Notice; Respondents should have corrected these violations and had the painting accomplished during the month of November.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$4,000.00 (four thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$400.00 (four hundred dollars) if the violation is corrected by May 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21st day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer